

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MATTHEW JOSEPH JACKSON
and DAVID PAUL JACKSON, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STEPHANIE JACKSON,

Respondent-Appellant

and

CARLTON HORATIO JACKSON,

Respondent.

UNPUBLISHED

March 29, 2007

No. 272459

Wayne Circuit Court

Family Division

LC No. 01-403690-NA

Before: Zahra, P.J., and Bandstra and Owens, JJ.

PER CURIAM.

Respondent Stephanie Jackson appeals as of right from an order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding of fact is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake was made. *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000). To be clearly erroneous, a decision must be more than maybe or probably wrong. *In re Sours*, *supra* at 633. In applying the clearly erroneous standard, the Court should recognize the special opportunity the trial court has to assess the credibility of the witnesses. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989), reh den 460 Mich 1205 (1999).

The trial court did not clearly err in finding clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(g) and (j). The children were previously court wards from October 2001 until January 2005. During that period, numerous services were put in place to support and assist respondent to provide proper care and custody for the children

and to insure that they would not be harmed in her home. Respondent attended parenting classes, received in-home services through Franklin Wright and Spectrum Health Services, received wrap-around services through Southwest Community Mental Health, and received additional services from Families First, the Association for Children's Mental Health, and volunteer services from Susan Kelly. The children were returned to respondent's care in January 2004, and respondent continued to receive intensive support. The court terminated its jurisdiction over the children in January 2005, but another referral was received approximately a year later, and the same problems that existed in the past continued to exist.

The trial court noted that two workers who had provided services to respondent and were strong supporters and advocates for respondent in the past now favored termination of respondent's parental rights due to respondent's continued failure to provide proper care. In particular, respondent failed to give the children required medication, failed to take them to medical appointments, and failed to follow medical advice. The children were also significantly delayed developmentally. Respondent also was unable to provide a clean home suitable for the children.

In light of this evidence, the trial court did not clearly err in finding that respondent failed to provide proper care or custody for her children. Further, because respondent either did not understand or refused to apply basic concepts of providing proper care and custody for her children, despite years of services, the trial court did not clearly err in finding that there was no reasonable likelihood that she would be able to provide proper care and custody within a reasonable time considering the children's ages.

The trial court also did not clearly err in finding that there was a reasonable likelihood the children would be harmed if returned to respondent's home, especially after the February 17, 2006, incident when respondent called Eboni Talley in a rage and demanded that Matthew be sent back to foster care because he had a toileting accident, and the evidence that respondent had told the children that everyone other than herself and Jesus was the devil.

Once the court determines that a statutory ground for termination has been established by clear and convincing evidence, it must terminate the respondent's parental rights unless it determines that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 352-354; 612 NW2d 407 (2000). The evidence showed that the children were significantly delayed developmentally while in respondent's care, and that respondent often failed to give the children required medication or follow medical advice. The evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. *Id.* Thus, the trial court did not err in terminating respondent's parental rights to the children.

We affirm.

/s/ Brian K. Zahra
/s/ Richard A. Bandstra
/s/ Donald S. Owens